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Atty. Docket No. NXL-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Qiu CONFIRMATION NO. 8609  
SERIAL NUMBER: 10/825,883 GROUP NUMBER: N/A  
FILING DATE: April 17, 2004 EXAMINER: N/A  
TITLE: MICRO-PATTERN EMBEDDED PLASTIC OPTICAL FILM  
DEVICE FOR CELL-BASED ASSAYS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address below on the date indicated below:

William G. Guerin

Date: MAY 12, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**Petition to Revive an Unintentionally Abandoned Application Under § 37 CFR 1.137**

Sir:

This paper responds to the Notice of Abandonment Under 37 CFR 1.53 mailed from the United States Patent and Trademark Office on March 18, 2005. The Notice of Abandonment was issued due to failure to timely reply to the Notice to File Corrected Application Papers mailed from the United States Patent and Trademark Office on June 28, 2004.

Applicant herein petitions to revive the subject application under unintentional abandonment in accordance with 37 CFR 1.137(b). A petition fee of \$750 for a small entity under 37 CFR 1.17(m) is enclosed. The entire delay in filing the required reply from the due date for the reply was unintentional. Applicant never received the original mailed copy of the Notice to File Corrected Application Papers. Applicant specifically requested a copy of the Notice to

Petition to Revive Under § 37 CFR 1.137

NXL-001

U.S. Serial No. 10/825,883

Page 2 of 2

File Corrected Application papers after receiving the Notice of Abandonment. Enclosed herewith is a Response to the Notice to File Corrected Application Papers.

If additional information or clarification is required, please call the undersigned at (508) 303-2003.

Respectfully submitted,

Date: MAY 12, 2005  
Reg. No. 41,047

Tel. No.: (508) 303-2003  
Fax No.: (508) 303-0005

  
William G. Guerin  
Attorney for Applicant  
Guerin & Rodriguez, LLP  
5 Mount Royal Avenue  
Marlborough, MA 01752



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**TRANSMITTAL FORM**

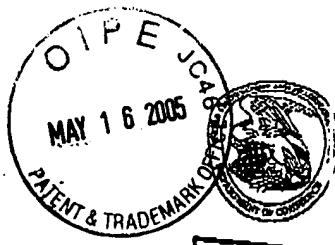
Transmitted herewith are the following:

1. Petition to Revive an Unintentionally Abandoned Application (2 pgs);
2. Notice of Abandonment (3 pgs);
3. Response to Notice to File Corrected Application Papers (2 pgs);
4. Notice to File Corrected Application Papers (1 pg);
5. Replacement Drawing (1 sheet);
6. Executed Power of Attorney and Correspondence Address Indication Form (1 pg);
7. Check in the amount of \$750; and
8. A return receipt postcard.

FROM :

FAX NO. :9783275341

MAY 27 2005 04:06PM P1



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER

10/825,883

FILING OR 371(C) DATE

04/17/2004

FIRST NAMED APPLICANT

Jean Qiu

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

D-06-1

AITY, DOCKET NO./TITLE

Jean Qiu  
 1 Copley Drive  
 Andover, MA 01810

Attn: Bill

CONFIRMATION NO. 8609

ABANDONMENT/TERMINATION LETTER



\*OC000000015504808\*

Date Mailed: 03/18/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/28/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

BEST AVAILABLE COPY

FROM :

FAX NO. :9783275341

Pr. 27 2005 04:06PM P2

Page 2 of 2

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

Z-MOURES

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY

**Notice of Abandonment**

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 06/28/04.

**Petition to Withdraw the Holding of Abandonment**

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

**Petition to Revive an Abandoned Application**

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

REST AVAILABLE COPY